

## REMARKS

Claim 50 has been amended. Claim 83 has been added. Therefore, claims 50-83 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### Section 103(a) Rejections:

The Office Action rejected claims 50-78 under 35 U.S.C. § 103(a) as being unpatentable over Woolley et al. (U.S. Patent 5,804,810) (hereinafter "Woolley") in view of Lubenow et al. (U.S. Patent 5,715,398) (hereinafter "Lubenow") and Harris et al. (U.S. Patent 5,466,030) (hereinafter "Harris"). Applicant respectfully traverses this rejection in light of the following remarks.

**In regard to claims 50 and 83, the cited art does not teach or suggest, at the intermediate destination, removing on an individual basis one of the item containers from said first carrier according to information stored in a memory device affixed to or contained within said first carrier or the item container being removed; and at the intermediate destination, according to the information stored in said memory device, inserting on an individual basis the item container removed from said first carrier into one of a plurality of storage locations of a second carrier configured to store the item container; and shipping said second carrier to a final destination different than a final destination of the first carrier.** Woolley teaches that routing of items is controlled from operations center 13. For example, if the route is changed, the information is sent from the operations center (Woolley -- col. 17, lines 10-15). Woolley does not teach that decisions for routing an item container are made at an intermediate destination according to information stored in a memory device affixed to or contained within the first carrier or the item container being removed. If Woolley was modified in view of Lubenow, as suggested by the Examiner, the routing would still be controlled by operations center 13. None of the cited references teach or suggest removing an item

container on an individual basis from one carrier and inserting it into another carrier at an intermediate destination according to information stored in the memory device.

Further in regard to claim 50, the cited art does not teach or suggest a carrier that comprises a plurality of discrete storage compartments configured to store a multi-dimensional array of item containers, wherein each storage compartment is configured to permit its item container to be removed on an individual basis without removing other item containers stored in other ones of the storage compartments. In the cited art the Examiner refers to a bed of a truck as corresponding to the carrier of claim 50. However, none of the trucks in the cited art comprise discrete storage compartments configured to store a multi-dimensional array of item containers wherein each storage compartment is configured to permit its item container to be removed on an individual basis without removing other item containers stored in other ones of the storage compartments.

Furthermore, when the limitations of claim 50 are considered in combination, Applicant's claimed invention is further distinguishable over the cited art. The use of a memory device as recited in claim 50 that stores information to direct to removal and insertion of a container at an intermediate destination is complemented by the use of a carrier that allows the containers to be removed on an individual basis. This combination of features is not suggested by the prior art. Applicants note that the Examiner should avoid any hindsight application of prior art references.

In regard to independent claim 65, the cited art does not teach or suggest an apparatus comprising a processor configured to determine from information read from the memory device an item container to be removed on an individual basis from a storage location of the first carrier at an intermediate destination and inserted on an individual basis into a storage location of a second carrier to be shipped to a different final destination than the first carrier. Woolley teaches that routing of items is controlled from operations center 13. For example, if the route is changed, the information is sent from the operations center (Woolley -- col. 17, lines 10-

15). Woolley does not teach an apparatus comprising a processor configured to determine from information read from the memory device an item container to be removed on an individual basis from a storage location of the first carrier at an intermediate destination and inserted on an individual basis into a storage location of a second carrier to be shipped to a different final destination than the first carrier. If Woolley was modified in view of Lubenow, as suggested by the Examiner, the routing would still be controlled by operations center 13. None of the cited references teach or suggest that removing an item container from a first carrier and inserting it into a second carrier on an individual basis at an intermediate destination is determined by information read from a memory device affixed to or contained within the first carrier or item container.

Claim 79 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Woolley as modified by Lubenow and Harris, in view of Herrod et al. (U.S. Publ. No. 2001/0043273) (hereinafter "Herrod"). Claim 80 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Woolley as modified by Lubenow and Harris in view of Kern (U.S. Patent 6,115,695). Claims 81 and 82 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Woolley in view of Angell et al. (U.S. Patent 5,015,145) (hereinafter "Angell"). These rejections are all traversed for at least the reasons given above in regard to their respective independent claims.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

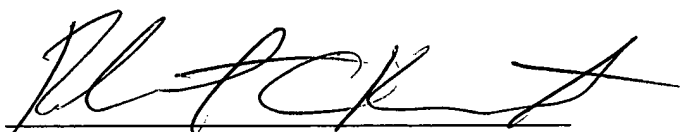
Applicant submit the application is in condition for allowance, and notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5596-00500/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (        ).
- ☐ Other:

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850  
Date: February 2, 2004